

OVERVIEW OF THE NPL

PROGRAM CHARGE

- What should be the role of the NPL in addressing waste cleanup given other cleanup options? Should it be a “tool of last resort?”
- What parties (e.g., states, tribes, and communities) should have formal consultation roles in NPL listing? Should this role differ by site type or risk?
- What kinds of sites belong on the NPL? Should the NPL be used for a more limited range of sites (for example, only sites where human health is at risk, not ecological risk)? If so, how might other major risks be addressed?

Statutory Basis for the HRS: Section 105(a)(8)(A)

Amend the NCP to include:

- “8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and ... removal action”
- “Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President”

Statutory Basis for the HRS: Section 105(a)(8)(A) (cont.)

Taking into account to the extent possible the:

- population at risk
- hazard potential of the hazardous substances
- potential for contamination of drinking water supplies
- potential for direct human contact
- potential for destruction of sensitive eco-systems
- damage to natural resources which may affect the human food chain
- contamination or potential contamination of the ambient air
- State preparedness to assume State costs and responsibilities, and other appropriate factors

Statutory Basis for the NPL: Section 105 (a)(8)(B)

Based on criteria in (A) the President shall:

- list national priorities among the known releases or threatened releases throughout the United States
- revise the list no less often than annually
- consider any priorities established by the States
- to the extent practicable, designate [*at least 400 of*] the highest priority facilities individually
- include among the one hundred highest priority facilities one such facility from each State which shall be the facility designated by the State as presenting the greatest danger ... among the known facilities in such State

The National Contingency Plan (NCP)

- The Hazard Ranking System, promulgated as Appendix B to the NCP in July 1982 and amended December 1990, meets the requirements for establishing criteria
- The NCP, as amended in March 1990, limits Fund-financed remedial actions to releases on the NPL
- Listing does not imply that funds will be expended and does not by itself set funding priorities
- The NCP establishes the criteria (HRS, State designation, or ATSDR health advisory) for listing a site

Conclusion

- CERCLA and the NCP, including the HRS, provide the specific statutory and regulatory framework for the NPL

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NPL Listing (Overview)